

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC. APPLICATION No. 3407 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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PATEL SUDHIRBHAI BABULAL

Versus

STATE OF GUJARAT

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Appearance:

MR MC BAROT for Petitioners

MR BY MANKAD APP for Respondent No. 1

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CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 28/08/98

ORAL JUDGEMENT

Rule. Mr. B.Y Mankad, learned APP for the State waives service of the rule.

2. Heard the learned advocate for the petitioners and learned APP for the State. Perused the case papers, chargesheet and also the Post-mortem report. Admittedly, the incident took place in front of the house of the

petitioners and it appears to be a free fight between the parties and for that cross-complaints have also been registered. It has been submitted by the learned advocate for the petitioners that complainant has been released on bail. Looking to the facts and circumstances of the case and looking to the chargesheet and considering the place of scene of offence, petitioners are required to be released on bail. Accordingly, petition is allowed. Petitioners are ordered to be released on bail in connection with Crime Register No. 223 of 1998 registered at Visnagar Polic Station for the offences charged against them in this petition on their executing bond of Rs. 5,000/- {Rupees Five Thousand only} each with one surety of the like amount to the satisfaction of the lower Court and subject to the condition that they shall;

(a) not take undue advantage of their liberty or abuse their liberty;

(b) not act in a manner injurious to the interest of the prosecution;

(c) maintain law and order;

(d) furnish the address of their residence at the time of execution of the bond and shall not change the residence without prior permission of this Court;

3. If breach of any of the above conditions is committed, the Sessions Judge at Mehsana will be free to issue warrant or take appropriate action in the matter.

4. Bail before the lower Court having jurisdiction to try the case.

5. Rule is made absolute. Direct service permitted.

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Prakash\*